



October 24, 2016

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

[Submitted via FCC Electronic Comments Filing System]

**Re: NOTICE OF EX PARTE PS Docket 15-91 Improving Wireless Emergency Alerts and Community-Initiated Alerting; PS Docket 13-42 Options for 470-512 MHz (T-Band) Spectrum**

Dear Secretary Dortch:

On October 19, 2016, representatives of the New York City Emergency Management Department (“NYCEM”), New York City Department of Information Technology and Telecommunications (“DoITT”), New York City Police Department (“NYPD”) and New York City Fire Department (“FDNY”) (collectively “the City”)<sup>1</sup> participated in an *Ex Parte* conversation on the above referenced matters with Federal Communications Commission (“FCC” or “Commission”) Chairman Tom Wheeler, Counselor to the Chairman Gigi Sohn, and Director of Outreach and Strategy Eric Feigenbaum. The meeting was held at NYCEM headquarters in Brooklyn, New York.

During the meeting, the City expressed its appreciation to Chairman Wheeler and the entire Commission for their recent action to improve the Wireless Emergency Alert (“WEA”) system. The City believes that the recently enacted changes will allow public safety officials across the country to better inform the public during times of emergency. The City also expressed its support for a number of further enhancements currently under consideration in the Further Notice of Proposed Rulemaking. Finally, the City expressed its concern regarding the provisions set forth in the Middle Class Tax Relief and Job Creation Act of 2012 pertaining to the 470-512 MHz Public Safety Spectrum. A full description of the items we discussed is attached hereto.

The City appreciates the Commission’s ongoing efforts to improve Wireless Emergency Alerts and of our broad public safety mission. We look forward to continuing to work with the Commission on future issues.

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<sup>1</sup> **NYCEM Representatives** – Joseph J. Esposito, Commissioner; Calvin Drayton, First Deputy Commissioner; Stella Guarna, Esq., Deputy Commissioner for Legal Affairs; Frank McCarton, Deputy Commissioner for Operations; Henry Jackson, Deputy Commissioner for Technology; Christina Farrell, Deputy Commissioner for External Affairs; James Esposito, Deputy Commissioner for Planning and Preparedness; Benjamin J. Krakauer, Director of Watch Command; Sonja Orgias, Esq., Director of Legal Affairs; Marnie Suss, Special Advisor to the First Deputy Commissioner. Lieutenant Paul Scott, NYPD Liaison to NYCEM. **DoITT Representatives** – Evan Hines, First Deputy Commissioner; Priya Shrinivasan, Assistant Commissioner for Telecommunications Planning and Resiliency. **NYPD Representatives** – Steven Harte, Assistant Commissioner for Life Safety Systems; Deputy Chief Richard Napolitano, Commanding Officer, Communications Division; Principal Police Communications Technician Leyla Ansari, Assistant Operations Coordinator; **FDNY Representative** – Alex Achille, Director of Radio Services.





Further communication on these matters may be directed to the undersigned.

Respectfully submitted,

/s/

Benjamin J. Krakauer, MPA  
Director, Watch Command

cc:

Tom Wheeler, Chairman, Federal Communications Commission [via e-mail]

Gigi Sohn, Counselor to the Chairman [via e-mail]

Eric Feigenbaum, Director of Outreach and Strategic [via e-mail]

## Matters Discussed

### Device-Assisted Geotargeting

The City encouraged the Commission to adopt rules that improve geo-targeting to a level comparable with apps which leverage location-based services on today's smart phones. The City strongly believes that such enhancements will lead to increased adoption by public safety agencies, prevent warning fatigue by eliminating over alerting, and potentially open the door to other classes of alert originators (e.g., colleges and universities, public housing authorities, etc.).

### "Many-to-One" / Crowdsourced Feedback

Being able to poll WEA recipients for information following issuance of an alert would be of tremendous benefit to public safety entities. The City sees a large number of use cases where such capability would be helpful but highlighted two examples during our discussion:

1. **Storm-Related Damage/Downed Trees** – NYCEM would send a WEA message following a powerful storm/tornado and ask people to respond back if there was a downed tree or storm damage visible at their present location. Using the latitude/longitude provided in the user's feedback, NYCEM would plot the data on a map and very quickly be able to see concentrations of damage and deploy emergency resources, assessment teams, and other forms of support.
2. **Evacuation Compliance** – NYCEM would send repeat WEA messages to coastal areas under an evacuation order at several intervals prior to a storm's landfall. Using handset delivery data provided by the mobile service providers, NYCEM would be able to intelligently estimate the public's evacuation compliance. If similar numbers of handsets continued to be reached, NYCEM would enhance efforts to improve evacuation compliance (e.g., increased outreach, repeated messaging by the Mayor and other elected officials, etc.)

The City also noted that during the CSRIC V process the commercial mobile service providers expressed concern about being required to aggregate consumer feedback and share it with public safety agencies. In response to those concerns, the Federal Emergency Management Agency's Integrated Public Alert and Warning System office agreed to serve as the aggregation point for this data.

### Multilingual Capabilities

The City thanks the Commission for adopting rules to allow WEA messages to be sent in Spanish. However, as there are more than 200 languages spoken in New York City, it is important that future rules expand the number of languages supported by the WEA system. Presently, NYCEM offers more than 80 of its most common messages in the 13 most commonly spoken languages in New York City, including American Sign Language. In response to proposed local legislation, the City is exploring the steps necessary to make its Notify NYC messages available in seven languages in a disaggregated form in the near future.



### **Opt Out Requirement**

The City also highlighted its position that the law regarding the consumer's ability to opt out of WEA should be changed and recognized such changes may require Congressional action. The City noted that all emergencies begin and end locally and local officials need the same unfettered ability to communicate with their constituents during a local crisis that the President requires during a national crisis.

### **T-Band**

The City expressed the following concerns regarding the provisions set forth in the Middle Class Tax Relief and Job Creation Act of 2012 pertaining to the 470-512 MHz Public Safety Spectrum:

- The City's first responders are heavily and completely reliant on mission critical voice communications (radio) in the 470-512 MHz public safety spectrum.
- First responders use the spectrum every day, all day serving a population of more than 8.4 million residents and more than 54 million visitors annually. The spectrum is used for 911 dispatch among many other critical uses, and is fully integrated into 911 platforms and below ground mass transit systems.
- Relocation of operations to alternative spectrum will strand significant investment in the current system and equipment and cause major operational impacts.